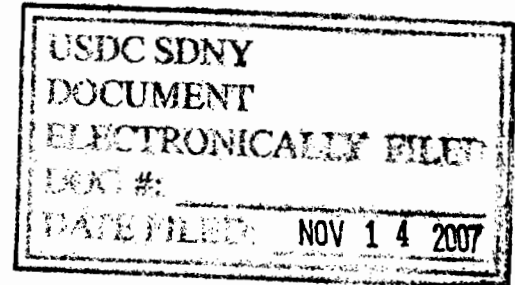


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November 12, 2007

VIA FACSIMILE TRANSMISSION [(212) 805-0426]

Hon. Laura T. Swain  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 755  
New York, NY 10007

**MEMO ENDORSED**

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel representing parties and filing a certificate of service within 5 days from the date hereof. Do not file such certification to Chambers.

Re: Miranda D'Ancona, Marie Rupert, and Doris Kaufman v. D & R Transport  
(AKA P.S. Inc.), Donald P. Moore  
Case No.: 07 CV 5788(LTS)

Dear Judge Swain:

By memo endorsed letter, so ordered by your Honor on September 24, 2007, this firm substituted A. Joseph Tandet, Esq. as counsel for Miranda D'Ancona. Prior to the substitution, Mr. Tandet filed a summons and complaint on behalf of all three plaintiffs, including Miranda D'Ancona. The time within which to serve the said summons and complaint has expired.

Plaintiff Miranda D'Ancona respectfully requests that the action commenced on her behalf by Mr. Tandet be dismissed as against her, and only as against her, without prejudice pursuant to Federal Rule of Civil Procedure 4(m) because she desires to have this firm draft and file a different complaint on her behalf. It must be underscored that this firm only represents plaintiff Miranda D'Ancona and does not represent co-plaintiffs Marie Rupert and Doris Kaufman. As such, this application neither requests, nor could request any relief relating to Ms. D'Ancona's co-plaintiffs.

Should the Court require anything further, please do not hesitate to contact the undersigned. Thank you for your attention to this matter.

*The request is granted as to Mr D'Ancona.*

**SO ORDERED.**

Very truly yours,

DAVID HOROWITZ, P.C.

11/13/2007  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

By:

Gloria Drelich

cc: A. Joseph Tandet, Esq. [(212) 486-0701]

*faxed*  
Copies ~~mailed~~ to PIA Counsel  
Chambers of Judge Swain 11-14-07